

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0290

CONFERENCE COMMITTEE ENGROSSED

NO. **HB1022** - 2/26/98

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building Authority to
2 contract for the construction of a multiple use center to provide academic and recreational
3 facilities for Dakota State University and facilities for community activities for the city of
4 Madison and to make an appropriation therefor.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. It being declared to be in the public interest, the South Dakota Building Authority
7 may contract for the construction, completion, furnishing, equipping, and maintaining of a center
8 to house academic and recreational facilities for the use and benefit of Dakota State University
9 and community activities for the city of Madison, including heating, air conditioning, plumbing,
10 water, sewer, electric facilities, architectural and engineering services, asbestos abatement, site
11 preparation and the construction of sidewalks and driveways and landscaping the grounds of that
12 facility, and such other services as may be required to accomplish the purposes of this Act, all
13 at the estimated cost of eight million two hundred thirty-five thousand dollars (\$8,235,000). The
14 Building Authority may finance the same, including the issuance of revenue bonds, in accordance
15 with this section and chapter 5-12. In no event may the Building Authority issue bonds for more

1 than three million two hundred fifty thousand dollars (\$3,250,000).

2 Section 2. No indebtedness, bond, or obligation incurred or created under the authority of
3 this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor
4 against the property or funds of the State of South Dakota within the meaning of the
5 Constitution or statutes of the state.

6 Section 3. The Building Authority and the Board of Regents may accept, transfer, and
7 expend any funds obtained for these purposes from the city of Madison, federal sources, gifts,
8 contributions, or any other source, all of which shall be deemed appropriated to this
9 construction.

10 Section 4. The administration of the design and construction of these modifications and
11 facilities and oversight of building committees appointed therefor, as provided in § 5-14-3 shall
12 be under the general charge and supervision of the Governor or his designee and the executive
13 director of the Board of Regents or their designees. The executive secretary of the Building
14 Authority, the Governor, and the executive director of the Board of Regents, or their designees
15 shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized
16 by this Act.

17 Section 5. The Board of Regents may make and enter into a lease agreement with the
18 Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12,
19 from special activity fees to be assessed for such purposes and from appropriations out of the
20 higher education facilities fund to be made by the Legislature for the payment of such rent and
21 to support the construction, completion, furnishing, equipping, and payment of revenue bonds
22 issued pursuant to this Act.

23 Section 6. In addition to the funds in section 1 of this Act, the Board of Regents shall identify
24 funds in the amount of seven hundred fifty thousand dollars (\$750,000) for the purpose of
25 maintenance and repair of the facility authorized in section 1 of this Act. These funds shall be

1 identified and accumulated at the rate of one percent of the estimated project cost per year for
2 ten years. These funds may be identified from other funds under the control of the Board of
3 Regents, from gifts and grants to Dakota State University, from restricted gifts and grants to
4 foundations associated with the facility or Dakota State University, or from dedicated funds of
5 the city of Madison. All other funds identified by the Board of Regents pursuant to this section,
6 together with any gifts or grants received by Dakota State University for the purposes of this
7 Act, shall be transferred into the Dakota State University-Madison Community Center
8 Maintenance and Repair Fund, which is hereby created in the state treasury as a participating
9 fund, and the Board of Regents may expend such funds, together with their earnings, as it deems
10 necessary to provide for the maintenance or repair of the center authorized by this Act.
11 Nevertheless, if the expenditure of the funds held in the Dakota State University-Madison
12 Community Center Maintenance and Repair Fund results in a reduction of the total identified
13 funds for the purpose of maintenance and repair to less than the \$750,000 required by this Act,
14 the Dakota State University-Madison Community Center Maintenance and Repair Fund shall be
15 replenished at the rate of one percent of the estimated project cost per year until such time as the
16 total identified funds for the maintenance and repair reserve equals or exceeds \$750,000.

17 Section 7. The Dakota State University's share of the annual operating cost for the facility
18 may not exceed ten percent of the total costs. Any operating cost shortfalls shall be split between
19 the Dakota State University and the city of Madison at the rate of forty percent/sixty percent,
20 respectively.

1 **BILL HISTORY**

2 1/13/98 First read in House and referred to Appropriations. H.J. 23

3 1/27/98 Scheduled for Committee hearing on this date.

4 1/27/98 Appropriations Deferred to another day.

5 2/10/98 Appropriations Do Pass Amended, Passed, AYES 6, NAYS 1. H.J. 491

6 2/12/98 House of Representatives Do Pass Amended, Passed, AYES 64, NAYS 4. H.J. 621

7 2/13/98 First read in Senate and referred to Appropriations. S.J. 510

8 2/18/98 Scheduled for Committee hearing on this date.

9 2/18/98 Scheduled for Committee hearing on this date.

10 2/20/98 Scheduled for Committee hearing on this date.

11 2/20/98 Appropriations Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 616

12 2/24/98 Senate Do Pass Amended, Passed, AYES 35, NAYS 0. S.J. 677

13 2/25/98 House of Representatives failed to concur, appoint Conference Committee. H.J. 935